IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13773 of 2004

Between:

Boppana Ravi Kiran, S/o. B. Satyanarayana,
Mudinapalle Mandal, Krishna District.

..... PETITIONER

AND

1. Sri Bhavaji Mutt, Singaraylapalem Village, Mudinepalli Mandal, Krishna District, rep by its Person in Management.
2. Regional Joint Commissioner, Multi Zone-I, Endowments, Department, Kakinada.
3. The Assistant Commissioner of Endowments, Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ order or direction declaring the order dated 18-12-2003 of the 2nd respondent in not considering the case of the petitioner as land less poor and cultivating tenant thereby confirming the order dated 30-9-2003 of the 3rd respondent as illegal and arbitrary and consequently set aside the same and direct the respondents to consider the petitioner as landless poor and cultivating tenant of the land admeasuring Ac.3.00 cents situated in Sy.No283/1,2 situated in Chevuru Village, Singaraylapalem Village, Mudinepalli Mandal, Krishna District.

Counsel for the Petitioner :MR.C.V.NAGARJUNA REDDY

Counsel for the Respondent No.1 : Smt.N.Indrani

Counsel for the Respondent Nos. 2 and 3: GP FOR ENDOWMENTS

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a declaration that the order dated 18.12.2003 passed by the 2nd respondent- Regional Joint Commissioner, confirming the order of the third respondent-Assistant Commissioner of Endowments, dated 30.09.2004, is arbitrary and illegal.

As can be seen from the material on record, the petitioner, who claims to be the tenant in respect of Ac.3.00 of land situated in S.No.283/1,2 of Chevuru Village, Singaraylapalem village, Mudinepalli Mandal belonging to the first respondent Institution made a representation before the third respondent claiming that he is a landless poor person and therefore, entitled to the benefit of Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). The said claim was rejected by the third respondent by an order dated 30.09.2003. The petitioner preferred an appeal before the second respondent. The said appeal, numbered as Appeal No.50 of 2003, was dismissed by an order dated 18.12.2003, which is under challenge in this Writ Petition.

A perusal of the said order shows that the second respondent, having reappreciated the entire material on record, observed that the grandmother of the petitioner was the lessee in respect of the land in question and the lease is not transferable and no proposals have been submitted for transfer of the lease in favour of the petitioner after the death of his grandmother, but he is unauthorisedly continuing without any valid lease in his favour. It was also observed that since the petitioner is in possession of Ac.3.00 of wet land, he cannot be held to be a landless poor person, and therefore, he is not entitled to the benefits of Section 82(2) of the Act.

I do not find any justifiable reason to interfere with the impugned orders, which are well reasoned and in accordance with the settled principles of law.

Accordingly, the writ petition is dismissed. No costs.

02.11.2004

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To

1. The Person in Management, Sri Bhavaji Mutt, Singaraylapalem Village, Mudinepalli Mandal, Krishna District.
2. Regional Joint Commissioner, Multi Zone-I, Endowments, Department, Kakinada.
3. The Assistant Commissioner of Endowments, Vijayawada, Krishna District.

4. Two C.Cs to the G.P. for Endowments, High Court Buildings, Hyderabad. (OUT).

5. Two C.D. copies.